

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM THROWER,

Petitioner,

- V -

WARDEN LAIRD,

Respondent.

USDC SDNY
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06 Civ. 4864 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On December 14, 2006, the Honorable Andrew J. Peck, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that this petition for habeas corpus be dismissed.

After the Report issued, petitioner moved for an extension of his time to file objections, which the Court granted, and thereafter timely filed an objection dated January 19, 2007. Having considered the matter de novo in light of this objection, the Court finds itself in total agreement with the reasoning set forth in the Report, which the Court hereby adopts by reference and, for the reasons therein, dismisses Thrower's habeas petition with prejudice. In addition, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue, see 28 U.S.C. § 2253, and the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith. Moreover, as petitioner's claim lacks any arguable basis in law

or fact, permission to proceed in forma pauperis is also denied.
28 U.S.C. § 1915(g); see also Seimon v. Emigrant Savs. Bank (In
re Seimon), 421 F.3d 167, 169 (2d Cir. 2005). Clerk to enter
judgment.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
January 29, 2007